

*Patent Application Serial No. 10/526,900
Reply to Office Action dated April 30, 2008*

REMARKS

Claim 1 Amendments. The amendments to claim 1 are supported as follows: the adding process is supported by step S93 of Fig. 18; the subtracting process is supported by step 145 in Fig. 21; and the changing process is supported as steps S67-S79 in Fig. 17.

Claim 10 Amendments. In claim 10, the first and second preset values are exemplified respectively by the "minimum value MIN" and the "maximum value MAX" of steps S71-S77 of Fig. 17.

According to claim 10, when a divided value $[(t_sz)$ at step S67] obtained by said divider [division is performed in step S67] falls between a first preset value $[MIN]$ and a second preset value $[MAX]$ that is larger than the first preset value, the divided value is set as the target size $[(trgt_sz)]$. This is clear from the fact that a "NO" in step S71 goes directly to step S79 (skipping S73), and a "NO" in step S75 similarly goes to step S79 (this time skipping S77).

The second setting limitation in claim 10, that when the divided value $[(t_sz)]$ is below the first preset value $[MIN]$, the preset value is set as the target size, follows from the fact that a "YES" in step S71 causes a progression through step S73 to step S79.

The third limitation corresponds to a "YES" in step S75, with the process proceeding through step S77 to S79.

Claims 11-12. In new claim 11, "wherein said predetermined parameter value indicates a size of image data that has been compressed, but has not yet been recorded" is supported by original claim 5 and the specification at page 27, lines 1-3, which reads, "the variable BG_RemData is a total size value of the JPEG raw data for which an instruction of 'file writing' is set to the instruction list 52, but that has not yet been recorded in the recording medium 50."

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New claim 12 is supported in the specification reading, "a compression process on the read YUV data to create JPEG raw data having a size being approximate to the target size" (page 20, lines 21-23).

The new claims are patentable for the reasons below. No new matter has been added. In full response to the outstanding Office Action:

[1-2] The title was objected to, and is amended. Withdrawal of the Objection is requested.

[3-4] Claims 1-4 and 9 are rejected under 35 U.S.C. §103(a) as being obvious over Taussig, US 6,590,607 in view of Ogawa, US 6,470,413. This rejection is respectfully traversed.

Taussig's preferred embodiment (col. 3, line 22) adjusts the compression ratio based on mechanical shocks that interrupt the flow of data (col. 4, lines 14-17). Taussig writes (col. 4, lines 13-29):

The function of the compression controller is to indicate to the compression unit that the digital video compression ratio should be adjusted to account for time periods when writing to the optical memory system has been suspended because of occurrences, such as mechanical disturbances ... the compression controller receives input data from the acceleration detection unit.... If the optical memory system is being subjected to accelerations greater than the pre-established acceleration threshold, the compression controller calculates the adjustments in the compression ratio that are necessary to compensate for the time that writing by the optical memory system is suspended. The goal of the adjusted compression ratio is to ensure that the write buffer does not overflow with digital video data ...

This idea is also explained in the text applied by the Examiner at col. 3, lines 60-67. These passages do not anticipate the Applicant's claims.

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Taussig also discloses measuring the amount of data stored in a write buffer and adjusting the compression ratio based on this amount (col. 4, lines 59-65). The text applied by the Examiner at the top of col. 6 reads, "In an enhanced embodiment of the invention, the write buffer is able to generate a real-time indication of available storage capacity in the write buffer. Use of the storage capacity indicator is described in detail below." However, there is no detailed description. Taussig only states that "the write buffer indicates its storage level to the compression controller in real-time" (col. 8, line 39). *No mechanism for measuring or calculating the storage level is disclosed.*

In view of this fact, the Applicant respectfully submits that the reference does not anticipate claim 1 as amended.

First, even if Taussig's storage level were equated to the claimed predetermined parameter value (not admitted), the reference would still not disclose measuring it by keeping track of the number of screens compressed or recorded. The Examiner is invited to consider Taussig's statement that the write buffer itself generates the indication; this is seen to imply *direct* measurement of the storage capacity, rather than tracking the numbers of screens.

Second, even further supposing that Taussig did track the storage level by tracking input and output (not admitted), such tracking would be contrary to the Applicant's claim, which recites adding to the parameter according to a *first* number of screens, and subtracting from the parameter according to a *second* number of screens. The Examiner is invited to consider keeping track of the number of beans in a jar by using two different measures for the beans going in and the beans coming out. The Examiner is also invited to consider S93 in Fig. 18, incrementing by 3 frames, and S145 in Fig. 21, decrementing the same quantity by one.

According the Applicant, it is possible for the OS to control the compression ratio from the first-task side in correspondence with the operation conditions of the second task.

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[5] Independent claim 10 is rejected under 35 U.S.C. §103(a) as being obvious over Taussig in view of Midorikawa, JP 2001/320705. This rejection is respectfully traversed.

First: Neither reference discloses two detectors and the Applicant's two corresponding size values. Neither do the references disclose the claimed feature of detecting the size of data *that has already been compressed but has not yet been recorded*.

The Examiner asserts that Taussig discloses the claimed target size, but this phrase does not appear in the cited text, which only refers to a "particular [i.e., fixed] compression ratio" (col. 5, line 59).

The same "particular compression ratio" is applied against the claimed first size value (col. 3, line 43). Thus, Taussig's "particular compression ratio" is applied against two different features of claim 10, the target size and the first size value.

With respect, the asserted "first detecting means" is actually just a buffer. No detection of anything is disclosed in the applied text at col. 3, lines 47-53).

Similarly, the claimed feature of already-created but not-yet-recorded data being detected by a "second detecting means" is, with respect, not actually disclosed. Taussig only discloses measurement of what is already recorded (e.g., col. 6, lines 6-7).

Second: The reference does not disclose the Applicant's setter action, as now recited.

Furthermore, this reference does not disclose any division. The Examiner explicitly states that a "difference value D" is disclosed and admits (page 6, line 5) that Midorikawa only discloses division in a quantity that is "always divided by one." With respect, dividing by one never changes the value of anything and is *not* a disclosure of division, any more than adding nothing except zeroes to numbers constitutes addition. That doesn't change the numbers.

The reference itself is not seen to disclose the asserted division by one; division is not mentioned in the applied text of Midorikawa, either by one or by any other number. The

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Examiner appears to be taking Official Notice, and this is respectfully traversed. The Applicant requests an actual reference showing division by one, or else a citation to the applied reference pointing out division by one.

The Examiner asserts that the claimed features of first and second size values are anticipated by sizes that are inherent in the reference, but the Examiner does not present any citation for these sizes.

By using the setting means as a feature in the invention of claim 10, the difference value being below the first preset value is regarded as being equal to the first present value, and the difference value being above the second present value is regarded as being equal to the second preset value. Thus it is possible to achieve precise adjustment of the target size and an accurate control of the successive recordable time of the image motion. Thus, the Applicant's advantage is not disclosed by the reference.

['2'] Claim 7 is rejected under 35 U.S.C. §103(a) as being obvious over Taussig in view of Midorikawa and Tanabe, US 2002/0191866. This rejection is traversed on the grounds above and the dependence of claim 7.

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In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to discuss this case.

Respectfully submitted,

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Signature

